

# **EXHIBIT 89**

**Warner Bros./The Siegel Actions ("Superman")**  
**James Steranko**  
**3/6/2007**

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1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
2 EASTERN DIVISION  
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3 JOANNE SIEGEL and :  
4 LAURA SIEGEL LARSON, :  
5 Plaintiffs, :  
6 :  
7 vs. :  
8 : Case No. 04-8400  
9 TIME WARNER INC.; WARNER :  
10 COMMUNICATIONS INC.; : Case No. 04-8776  
11 WARNER BROS. ENTERTAINMENT:  
12 INC.; WARNER BROS. :  
13 TELEVISION PRODUCTION :  
14 INC.; DC COMICS; and :  
15 DOES 1-10, :  
16 Defendants. :  
17 -----

18 Philadelphia, Pennsylvania

19 Tuesday, March 6, 2007

20 -----

21

22 Videotaped Deposition of JAMES  
23 STERANKO held at Morgan, Lewis & Bockius, LLP,  
24 1701 Market Street, on the above date,  
25 beginning at 2:17 p.m., before Kimberly A.  
26 Overwise, a Certified Realtime Reporter and  
27 Notary Public.  
28 -----  
29  
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32  
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11

12 ALSO PRESENT:

13 Brian Sappio

14 Jacqueline Vassalotti

15 Videographers

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2    by Detective and DC Comics?

3    A   I think he was treated very well at  
4    some times and very badly at others.

5    Q   I'd like to turn to Page 4 of your  
6    report if we could. It says Analysis. Do you  
7    see that?

8    A   Yes.

9    Q   The first subheading is A,  
10   Work-for-Hire issue. Do you see that?

11   A   Yes.

12   Q   What is your understanding of what  
13   the word work -- the phrase "work for hire"  
14   means?

15                   MR. TOBEROFF: Calls for a  
16   legal conclusion.

17                   You can answer.

18   A   I believe that work for hire  
19   indicates that an employee dictates a specific  
20   set of terms, elements, designations, details,  
21   sometimes reference material, perhaps a plot  
22   outline, a treatment, a synopsis to the  
23   employee; sometimes that work is done under  
24   direct supervision of the employer; that the  
25   employer has significant control over the

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2    nature of the material and ultimately that  
3    it's turned over to him and that he owns it  
4    completely.

5    Q   Are you aware that work for hire is  
6    a legal concept?

7    A   Yes.

8    Q   Do you know what the legal test is  
9    for determining whether or not a work is a  
10   work for hire?

11   A   I may have discussed this with  
12   various people along the way. I'm not sure  
13   that I can give you a definitive answer or  
14   even if I ever knew precisely what the legal  
15   test would be.

16   Q   Can you give me your best attempt at  
17   identifying what the legal test is for what is  
18   a work for hire?

19                   MR. TOBEROFF: Calls for a  
20   legal conclusion. He's not a lawyer.

21   A   I'd say that the employer must  
22   provide a significant basis for the material,  
23   the subject matter, for example, synopsis of  
24   the story, or provide reference for the  
25   characters, that there's a significant amount

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2 of input, and that they pay for the work.

3 Q What is the basis for your opinion

4 that that is the test?

5 MR. TOBEROFF: Asked and

6 answered.

7 You can answer.

8 A When I worked at Marvel, I was on a

9 work for hire basis. They provided me with

10 description of the character. Sometimes they

11 gave me pencil breakdowns to work from.

12 Occasionally they would give me, especially in

13 the beginning, treatment, synopsis of the

14 material that they were looking for. There

15 was supervision, particularly in the early

16 part of my tour at Marvel. And finally that

17 paycheck that was stamped work for hire. A

18 little stamp on the opposite side I think said

19 work for hire, which I often just crossed off

20 just to see what would happen with it, and the

21 check was cashed and I got paid anyway. But

22 my experience at Marvel would be the basis for

23 that comment.

24 Q Are you familiar with any cases, the

25 names of any cases where the work for hire

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